

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

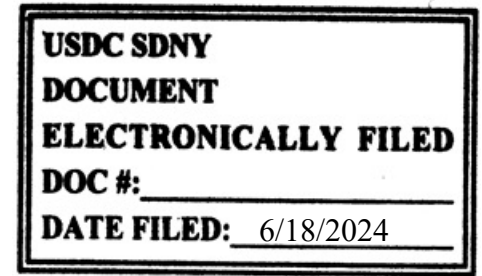
LUCIEN SIMPSON-QUIN,

Plaintiff,

-against-

ALYSSA MONTEJANO, et al.,

Defendants.



23-CV-08113 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

On May 2, 2024, the above-captioned action was consolidated with *Lucien Simpson-Quin v. 19 India Fee Owner, LLC*, Case No. 24-cv-02123, and the Court ordered Plaintiff to file a consolidated complaint by June 3, 2024. *See* Dkt. No. 25. Plaintiff filed a consolidated complaint on May 31, 2024; that filing, however, was marked deficient by the Clerk's Office. *See* Dkt. No. 32. On June 5, 2024, Plaintiff filed an amended consolidated complaint. *See* Dkt. No. 34. On June 7, 2024, Defendant Montejano filed a letter-motion to strike Plaintiff's amended consolidated complaint. *See* Dkt. No. 35. On June 11, 2024, Plaintiff filed an exhibit to its amended consolidated complaint seeking leave to amend the consolidated complaint. *See* Dkt. No. 36. That filing was deficient for failure to properly file a motion for leave to amend. *See id.* On June 12, 2024, Defendant Montejano filed a letter-motion to strike Plaintiff's exhibit to its amended consolidated complaint. *See* Dkt. No. 37. On June 14, 2024, Plaintiff properly filed a motion for leave to amend the consolidated complaint, *see* Dkt. No. 38, which is currently pending before the Court.

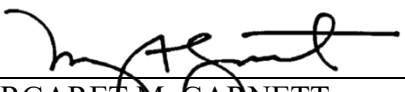
Accordingly, it is hereby ORDERED that Plaintiff's motion for leave to amend at Dkt. No. 38 is GRANTED. Defendant Montejano's letter-motions to strike at Dkt. Nos. 35 and 37 are DENIED as moot. The Clerk of Court is respectfully directed to terminate Dkt. No. 38.

In accordance with Rule II(B)(6) of the Court's Individual Rules & Practices, by **July 8, 2024**, Defendant Montejano must either (i) answer (and thus moot the previous motion to dismiss); (ii) file a new, amended, or supplemental motion to dismiss; or (iii) file a letter stating that she relies on her previously filed motion to dismiss. If Defendant Montejano chooses to file a new motion to dismiss, she must withdraw her previous motion. If she chooses to supplement her previously filed motion to dismiss, she may do so in a filing not to exceed five pages. Defendant 19 India Fee Owner, LLC must answer or respond to the amended consolidated complaint by **July 8, 2024**. If any Defendant files a motion to dismiss (including Defendant Montejano electing either option (ii) or option (iii), above), then Plaintiff must file a single,

consolidated opposition brief by no later than **July 22, 2024**. Defendants' reply briefs, if any, shall be due by **July 29, 2024**.

Dated: June 18, 2024
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge